

1 Kevin T. Simon - SBN 180967
2 SIMON RESNIK HAYES LLP
3 15233 Ventura Blvd., Suite 250
4 Sherman Oaks, CA 91403
5 Telephone: (818) 783-6251
6 Facsimile: (818) 783-6253
7 Email: kevin@srrlawfirm.com

8
9 Attorney for Debtor,
10 Emily Ann Bayley
11

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
5510
5511
5512
5513
5514
5515
5516
5517
5518
5519
5520
5521
5522
5523
5524
5525
5526
5527
5528
5529
55210
55211
55212
55213
55214
55215
55216
55217
55218
55219
55220
55221
55222
55223
55224
55225
55226
55227
55228
55229
55230
55231
55232
55233
55234
55235
55236
55237
55238
55239
55240
55241
55242
55243
55244
55245
55246
55247
55248
55249
55250
55251
55252
55253
55254
55255
55256
55257
55258
55259
55260
55261
55262
55263
55264
55265
55266
55267
55268
55269
55270
55271
55272
55273
55274
55275
55276
55277
55278
55279
55280
55281
55282
55283
55284
55285
55286
55287
55288
55289
55290
55291
55292
55293
55294
55295
55296
55297
55298
55299
552100
552101
552102
552103
552104
552105
552106
552107
552108
552109
552110
552111
552112
552113
552114
552115
552116
552117
552118
552119
552120
552121
552122
552123
552124
552125
552126
552127
552128
552129
552130
552131
552132
552133
552134
552135
552136
552137
552138
552139
552140
552141
552142
552143
552144
552145
552146
552147
552148
552149
552150
552151
552152
552153
552154
552155
552156
552157
552158
552159
552160
552161
552162
552163
552164
552165
552166
552167
552168
552169
552170
552171
552172
552173
552174
552175
552176
552177
552178
552179
552180
552181
552182
552183
552184
552185
552186
552187
552188
552189
552190
552191
552192
552193
552194
552195
552196
552197
552198
552199
552200
552201
552202
552203
552204
552205
552206
552207
552208
552209
552210
552211
552212
552213
552214
552215
552216
552217
552218
552219
552220
552221
552222
552223
552224
552225
552226
552227
552228
552229
5522210
5522211
5522212
5522213
5522214
5522215
5522216
5522217
5522218
5522219
5522220
5522221
5522222
5522223
5522224
5522225
5522226
5522227
5522228
5522229
55222210
55222211
55222212
55222213
55222214
55222215
55222216
55222217
55222218
55222219
55222220
55222221
55222222
55222223
55222224
55222225
55222226
55222227
55222228
55222229
552222210
552222211
552222212
552222213
552222214
552222215
552222216
552222217
552222218
552222219
552222220
552222221
552222222
552222223
552222224
552222225
552222226
552222227
552222228
552222229
5522222210
5522222211
5522222212
5522222213
5522222214
5522222215
5522222216
5522222217
5522222218
5522222219
5522222220
5522222221
5522222222
5522222223
5522222224
5522222225
5522222226
5522222227
5522222228
5522222229
55222222210
55222222211
55222222212
55222222213
55222222214
55222222215
55222222216
55222222217
55222222218
55222222219
55222222220
55222222221
55222222222
55222222223
55222222224
55222222225
55222222226
55222222227
55222222228
55222222229
552222222210
552222222211
552222222212
552222222213
552222222214
552222222215
552222222216
552222222217
552222222218
552222222219
552222222220
552222222221
552222222222
552222222223
552222222224
552222222225
552222222226
552222222227
552222222228
552222222229
5522222222210
5522222222211
5522222222212
5522222222213
5522222222214
5522222222215
5522222222216
5522222222217
5522222222218
5522222222219
5522222222220
5522222222221
5522222222222
5522222222223
5522222222224
5522222222225
5522222222226
5522222222227
5522222222228
5522222222229
55222222222210
55222222222211
55222222222212
55222222222213
55222222222214
55222222222215
55222222222216
55222222222217
55222222222218
55222222222219
55222222222220
55222222222221
55222222222222
55222222222223
55222222222224
55222222222225
55222222222226
55222222222227
55222222222228
55222222222229
552222222222210
552222222222211
552222222222212
552222222222213
552222222222214
552222222222215
552222222222216
552222222222217
552222222222218
552222222222219
552222222222220
552222222222221
552222222222222
552222222222223
552222222222224
552222222222225
552222222222226
552222222222227
552222222222228
552222222222229
5522222222222210
5522222222222211
5522222222222212
5522222222222213
5522222222222214
5522222222222215
5522222222222216
5522222222222217
5522222222222218
5522222222222219
5522222222222220
5522222222222221
5522222222222222
5522222222222223
5522222222222224
5522222222222225
5522222222222226
5522222222222227
5522222222222228
5522222222222229
55222222222222210
55222222222222211
55222222222222212
55222222222222213
55222222222222214
55222222222222215
55222222222222216
55222222222222217
55222222222222218
55222222222222219
55222222222222220
55222222222222221
55222222222222222
55222222222222223
55222222222222224
55222222222222225
55222222222222226
55222222222222227
55222222222222228
55222222222222229
552222222222222210
552222222222222211
552222222222222212
552222222222222213
552222222222222214
552222222222222215
552222222222222216
552222222222222217
552222222222222218
552222222222222219
552222222222222220
552222222222222221
552222222222222222
552222222222222223
552222222222222224
552222222222222225
552222222222222226
552222222222222227
552222222222222228
552222222222222229
5522222222222222210
5522222222222222211
5522222222222222212
5522222222222222213
5522222222222222214
5522222222222222215
5522222222222222216
5522222222222222217
5522222222222222218
5522222222222222219
5522222222222222220
5522222222222222221
5522222222222222222
5522222222222222223
5522222222222222224
5522222222222222225
5522222222222222226
5522222222222222227
5522222222222222228
5522222222222222229
55222222222222222210
55222222222222222211
55222222222222222212
55222222222222222213
55222222222222222214
55222222222222222215
55222222222222222216
55222222222222222217
55222222222222222218
55222222222222222219
55222222222222222220
55222222222222222221
55222222222222222222
55222222222222222223
55222222222222222224
55222222222222222225
55222222222222222226
55222222222222222227
55222222222222222228
55222222222222222229
552222222222222222210
552222222222222222211
552222222222222222212
552222222222222222213
552222222222222222214
552222222222222222215
552222222222222222216
552222222222222222217
552222222222222222218
552222222222222222219
552222222222222222220
552222222222222222221
552222222222222222222
552222222222222222223
552222222222222222224
552222222222222222225
552222222222222222226
552222222222222222227
552222222222222222228
552222222222222222229
5522222222222222222210
5522222222222222222211
5522222222222222222212
5522222222222222222213
5522222222222222222214
5522222222222222222215
5522222222222222222216
5522222222222222222217
5522222222222222222218
5522222222222222222219
5522222222222222222220
5522222222222222222221
5522222222222222222222
5522222222222222222223
5522222222222222222224
5522222222222222222225
5522222222222222222226
5522222222222222222227
5522222222222222222228
5522222222222222222229
55222222222222222222210
55222222222222222222211
55222222222222222222212
55222222222222222222213
55222222222222222222214
55222222222222222222215
55222222222222222222216
55222222222222222222217
55222222222222222222218
55222222222222222222219
55222222222222222222220
55222222222222222222221
55222222222222222222222
55222222222222222222223
55222222222222222222224
55222222222222222222225
55222222222222222222226
55222222222222222222227
55222222222222222222228
55222222222222222222229
552222222222222222222210
552222222222222222222211
552222222222222222222212
552222222222222222222213
552222222222222222222214
552222222222222222222215
552222222222222222222216
552222222222222222222217
552222222222222222222218
552222222222222222222219
552222222222222222222220
552222222222222222222221
552222222222222222222222
552222222222222222222223
552222222222222222222224
552222222222222222222225
552222222222222222222226
552222222222222222222227
552222222222222222222228
552222222222222222222229
5522222222222222222222210
5522222222222222222222211
5522222222222222222222212
5522222222222222222222213
5522222222222222222222214
5522222222222222222222215
5522222222222222222222216
5522222222222222222222217
5522222222222222222222218
5522222222222222222222219
5522222222222222222222220
5522222222222222222222221
5522222

1 **I. STATEMENT OF FACTS**

2 The Debtor filed the instant case on February 20, 2014. The Debtor owns real
3 property located at 1466 Calle Morera, Thousand Oaks, CA 91360 (hereinafter
4 "Property"). Prior to the filing of the instant case, Creditor was awarded a judgment in
5 State Court against the Debtor. Creditor subsequently recorded a judgment lien on or
6 about April 5, 2012. (Attached to the Declaration of Kevin T. Simon as Exhibit "A" is a
7 true and correct copy of the recorded judgment lien.). On or about January 2014,
8 Creditor also filed a Notice of Levy with the Los Angeles County Sheriff's Department
9 (hereinafter "Sheriff's Department"). (Attached to the Declaration of Kevin T. Simon as
10 Exhibit "B" is a true and correct copy of the Notice of Levy.).

11 On or about February 20, 2014, SIMON RESNIK HAYES LLP (hereinafter SRH),
12 counsel for Debtor, notified both the Sheriff's Department and Creditor of the Debtor's
13 instant bankruptcy via facsimile and provided a copy of the Notice of Bankruptcy Filing.
14 In accordance with federal bankruptcy law, SRH requested that the Creditor's levy be
15 released in order to avoid violation of the automatic stay. (Attached to the Declaration
16 of Kevin T. Simon as Exhibit "C" are true and correct copies of the February 20, 2014
17 facsimile correspondence with attached documents.).

18 On or about March 18, 2014, SRH filed a Notice of Motion and Motion to Avoid
19 Lien Under 11 U.S.C. § 522(f) Creditor's lien (hereinafter "522(f) Motion"). On or about
20 April 15, 2014, the 522(f) Motion was granted, voiding Creditor's lien.

21 On or about April 9, 2014, SRH contacted the Sheriff's Department with regard to
22 the levy and release of funds totaling \$4,000.00 currently being held. The Sheriff's
23 Department informed SRH that Creditor failed to release the levy. (See Declaration of
24 Maria Escobar). On or about April 15, 2014, SRH sent the Sheriff's Department a copy
25 of the Order granting the 522(f) Motion in an effort to release the levy. (Attached to the
26 Declaration of Kevin T. Simon as Exhibit "D" is a true and correct copy of the April 15,
27 2014 facsimile correspondence with attached documents.). On or about April 16, 2014,
28 SRH contacted the Sheriff's Department regarding the Order on the Motion, wherein the
Sheriff's Department advised that they would only return the funds to the Debtor upon
release of the levy by Creditor. (See Declaration of Maria Escobar).

1 On or about April 22, 2014, SRH contacted the Creditor's counsel, The Law
2 Offices of Clark Garen, advising that they had knowingly violated the automatic stay and
3 requested that the levy be released in accordance with federal bankruptcy law.
4 However, SRH was advised by Garen's office that they would not instruct the Sheriff's
5 Department to release the levy. (See Declaration of Maria Escobar)

6 Moreover, on or about April 22, 2014, SRH sent a letter to Creditor's attorney,
7 Clark Garen, a letter advising that they had violated the Automatic Stay and demanded
8 that the levy be released within 48 hours. (Attached to the Declaration of Kevin T.
9 Simon as Exhibit "E" is a true and correct copy of the April 22, 2014 correspondence to
Mr. Garen.).

10 On or about April 22, 2014, Mr. Garen provided SRH with a response letter
11 advising that Creditor had no authority to instruct the Sheriff's Department to release the
12 funds and that Creditor was not in violation of the automatic stay. (Attached to the
13 Declaration of Kevin T. Simon as Exhibit "F" is a true and correct copy of the April 22,
14 2014 correspondence from Mr. Garen.).

15 SRH has made numerous requests and attempts to have Creditor release the
16 levy in order for the Sheriff's Department to return the funds to the Debtor, however, to
17 date, Creditor has refused to cooperate. Accordingly, the Debtor was left with no other
18 option but to file the instant Motion.

19 **II. ARGUMENT**

20 **A. CREDITOR IS IN VIOLATION OF THE AUTOMATIC STAY**

21 The automatic stay is one of the fundamental debtor protections provided by the
22 bankruptcy laws. Under Section 362(a), the filing of a bankruptcy petition operates as a
23 stay that protects the debtor and the property of the estate. The automatic stay stops all
24 collection efforts, foreclosure actions, acts to obtain possession of property,
25 harassment, prevents creditors from the satisfying their claims to the detriment of other
26 creditors, and any act to create, perfect, or enforce any liens against property of the
estate.

27 11. U.S.C. Section 362 states that a bankruptcy petition filed operates as a stay,
28 applicable to all entities, of—

- (2) the enforcement, against the debtor or against property of the estate, of a judgment obtained before the commencement of the case under this title;
- (3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate;
- (4) any act to create, perfect, or enforce any lien against property of the estate;
- (5) any act to create, perfect, or enforce against property of the debtor any lien to the extent that such lien secures a claim that arose before the commencement of the case under this title;
- (6) any act to collect, assess, or recover a claim against the Debtor that arose before the commencement of the case...

In the instant case, Creditor's levy is in direct violation of the Automatic Stay. SRH has made requests and attempts to have Creditor release the levy in order for the Sheriff's Department to return the funds to the Debtor, however, Creditor has blatantly refused to cooperate.

B. THE FUNDS TOTALING \$4,000.00 ARE PROPERTY OF THE ESTATE

The Debtor filed the instant case on February 20, 2014. Prior to the filing of the instant case, Creditors was awarded a judgment in State Court against the Debtor. A Notice of Levy was subsequently filed and funds in the amount of \$4,000.00 had been garnished, but had not been disbursed by the Sheriff's Department. Despite correspondence and communication with Creditor's counsel to release the levy, they refuse to do so.

Pursuant to 11 U.S.C. § 541(a)(2)(B), "property of the estate is compromised of all of the following property, wherever located and by whomever held: All interests of the Debtor and the Debtor's spouse in community property as of the commencement of the

1 case that is - liable for an allowable claim against the Debtor, or for both an allowable
2 claim against the Debtor and an allowable claim against the Debtor's spouse, to the
3 extent that such interest is so liable."

4 In the instant case, funds totaling \$4,000.00 were disbursed to the Sheriff's
5 Department and are currently being held pending release instructions from the Creditor.
6 The funds disbursed are property of the Bankruptcy Estate and must therefore be
7 turned over to the Debtor as a matter of law. However, the funds cannot be returned to
8 the Debtor as the Creditor refuses to release the levy, thereby enabling the Sheriff's
9 Department to do so.

10
11 **C. THE DEBTOR IS ENTITLED TO ATTORNEYS' FEES.**

12 An individual injured by any willful violation of a stay provided by this section shall
13 recover actual damages, including attorneys' fees, and, in appropriate circumstances,
14 may recover punitive damages. 11 U.S.C. §362(k).

15 Any deliberate act taken in violation of a stay the actor knows to be in existence
16 justifies an award of actual damages, an additional finding of maliciousness or bad faith
17 warrants the further imposition of punitive damages. In re Crysen/Montenay Energy Co.,
18 902 F.2d 1098 (2d Cir. 1990).

19 In the instant case, the Creditor was aware of the automatic stay, but chose to
20 violate it based on their assumption that they no authority to instruct the Sheriff's
21 Department to release the funds and were not in violation of the automatic stay,
22 resulting in the filing of the instant Motion and the incurring of attorneys' fees and costs
to the Debtor.

23 ///

24 ///

25 ///

26 ///

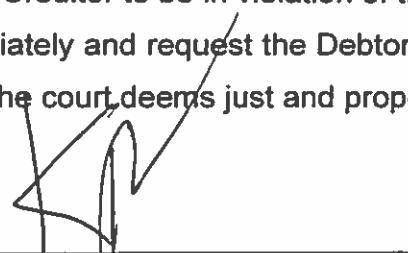
27 ///

28 ///

1 **III. CONCLUSION**
2
3

4 Based on the foregoing facts, and the statutory and decisional authority, it is
5 respectfully requested that the Court finds the Creditor to be in violation of the automatic
6 stay, order Creditor to release the levy immediately and request the Debtor be awarded
7 attorneys' fees of \$2,500.00, or in an amount the court deems just and proper.

8 DATED: April 28, 2014

9 By: _____
10 
11 Kevin T. Simon, Esq.
12 Attorney for Debtor
13 Emily Ann Bayley

1 **DECLARATION OF KEVIN T. SIMON IN SUPPORT OF MOTION**

2

3 I, Kevin T. Simon, do hereby declare that all of the following is true and correct to
4 the best of my personal knowledge and if called upon as a witness I could and would
5 competently testify to the truthfulness of all of the below statements:

6

7 1. SIMON RESNIK HAYES LLP, represents the Debtor, Emily Ann Bayley,
8 Case Number: 1:14-bk-10868-VK, which was filed on February 20, 2014.

9 2. The Debtor owns real property located at 1466 Calle Morera, Thousand
10 Oaks, CA 91360.

11 3. Prior to the filing of the instant case, Creditor was awarded a judgment in
12 State Court against the Debtor. Creditor subsequently recorded a judgment lien on or
13 about April 5, 2012. (Attached hereto as Exhibit "A" is a true and correct copy of the
14 recorded judgment lien.).

15 4. On or about January 2014, Creditor filed a Notice of Levy with the Los
16 Angeles County Sheriff's Department. (Attached hereto as Exhibit "B" is a true and
17 correct copy of the Notice of Levy.).

18 5. On or about February 20, 2014, my office notified both the Sheriff's
19 Department and Creditor of the Debtor's instant bankruptcy via facsimile and provided a
20 copy of the Notice of Bankruptcy Filing. In accordance with federal bankruptcy law, my
21 office requested that the Creditor's levy be released in order to avoid violation of the
22 automatic stay. (Attached hereto as Exhibit "C" are true and correct copies of the
23 February 20, 2014 facsimile correspondence with attached documents.).

24 6. On or about March 18, 2014, my office filed a Notice of Motion and Motion
25 to Avoid Lien Under 11 U.S.C. § 522(f) Creditor's lien. On or about April 15, 2014, the
26 522(f) Motion was granted, voiding Creditor's lien.

27 7. On or about April 9, 2014, my office contacted the Sheriff's Department
28 with regard to the levy and release of funds totaling \$4,000.00 currently being held. The
Sheriff's Department informed my office that Creditor failed to release the levy. (See
Declaration of Maria Escobar).

1 8. On or about April 15, 2014, my office sent the Sheriff's Department a copy
2 of the Order granting the 522(f) Motion in an effort to release the levy. (Attached hereto
3 as Exhibit "D" is a true and correct copy of the April 15, 2014 facsimile correspondence
4 with attached documents.).

5 9. On or about April 16, 2014, my office contacted the Sheriff's Department
6 regarding the Order on the Motion, wherein the Sheriff's Department advised that they
7 would only return the funds to the Debtor upon release of the levy by Creditor. (See
8 Declaration of Maria Escobar).

9 10. On or about April 22, 2014, my office contacted the Creditor's counsel,
10 The Law Offices of Clark Garen, advising that they had knowingly violated the automatic
11 stay and requested that the levy be released in accordance with federal bankruptcy law.
12 However, SRH was advised by Garen's office that they would not instruct the Sheriff's
13 Department to release the levy. (See Declaration of Maria Escobar)

14 11. Moreover, on or about April 22, 2014, my office sent a letter to Creditor's
15 attorney, Clark Garen, a letter advising that they had violated the Automatic Stay and
16 demanded that the levy be released within 48 hours. (Attached hereto as Exhibit "E" is
17 a true and correct copy of the April 22, 2014 correspondence to Mr. Garen.).

18 12. On or about April 22, 2014, Mr. Garen provided my office with a response
19 letter advising that Creditor had no authority to instruct the Sheriff's Department to
20 release the funds and that Creditor was not in violation of the automatic stay. (Attached
21 hereto as Exhibit "F" is a true and correct copy of the April 22, 2014 correspondence
22 from Mr. Garen.).

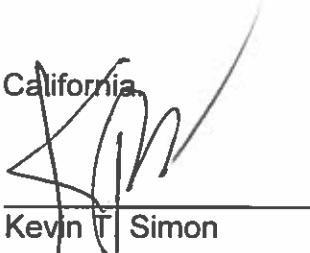
23 13. My office has made numerous requests and attempts to have Creditor
24 release the levy in order for the Sheriff's Department to return the funds to the Debtor,
25 however, to date, Creditor has refused to cooperate.

26 14. Creditor's actions directly resulted in the filing of the instant Motion on
27 behalf of the Debtor and incurring of attorneys' fees and costs.

28 ///
29 ///
30 ///

1 I declare under penalty of perjury under the laws of the State of California and
2 United States that the foregoing is true and correct.
3
4

5 Executed on April 28, 2014, at Sherman Oaks, California.
6
7


Kevin T. Simon

DECLARATION OF MARIA ESCOBAR IN SUPPORT OF MOTION

I, Maria Escobar, do hereby declare that all of the following is true and correct to the best of my personal knowledge and if called upon as a witness I could and would competently testify to the truthfulness of all of the below statements:

1. I am employed by the Law Offices of SIMON RESNIK HAYES LLP., located at 15233 Ventura Blvd., Suite 250, Sherman Oaks, CA 91403.

2. On or about April 9, 2014, I contacted the Sheriff's Department with regard to the levy and release of funds totaling \$4,000.00 currently being held. The Sheriff's Department informed me that Creditor failed to release the levy.

3. On or about April 22, 2014, I contacted the Creditor's counsel, The Law Offices of Clark Garen, advising that they had knowingly violated the automatic stay and requested that the levy be released in accordance with federal bankruptcy law. However, I was advised by Garen's office that they would not instruct the Sheriff's Department to release the levy.

I declare under penalty of perjury under the laws of the State of California and United States that the foregoing is true and correct.

Executed on April 28, 2014, at Sherman Oaks, California.

Maria Escobar
Maria Escobar

EXHIBIT "A"

RECORDING REQUESTED BY
THE BEST SERVICE CO.
10780 SANTA MONICA BLVD #140
LOS ANGELES, CA 90025

11419905/L13

WHEN RECORDED MAIL TO
NAME LAWRENCE & LAWRENCE, A LAW
CORP.
MAILING 10780 SANTA MONICA BLV
ADDRESS SUITE 140

CITY, STATE LOS ANGELES, CA
ZIP CODE 90025



SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

TITLE(S)

LIEN NOTICE MAILED

ABSTRACT OF JUDGMENT--CIVIL AND SMALL CLAIMS

THE BEST SERVICE CO VS EMILY A BAYLEY-LEGUIRE

VENTURA COUNTY

Legal
Solutions
Q Plus LS-201

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, address, State Bar number, and telephone number): Recording requested by and return to: GREG LAWRENCE, ESO. SBN 82243 LAWRENCE & LAWRENCE, A LAW CORP. 10780 SANTA MONICA BLVD., STE 140 LOS ANGELES, CA 90025	
3104770471X162 <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSESSOR OF RECORD	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA STREET ADDRESS 800 SO. VICTORIA AVE. MAILING ADDRESS CITY AND ZIP CODE VENTURA, CA 93009 BRANCH NAME	
PLAINTIFF: THE BEST SERVICE CO. INC.	
DEFENDANT: EMILY A BAYLEY-LEQUIRE	
ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS <input type="checkbox"/> Amended	
1. The <input checked="" type="checkbox"/> Judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of judgment and represents the following: a. Judgment debtor's Name and last known address EMILY A BAYLEY-LEQUIRE; 1466 CALLE MORERA THOUSAND OAKS CA 91360 Lien notice mailed to debtor at address shown. Govt Code 27297.5	
b. Driver's license no. (last 4 digits) and state: c. Social security no. (last 4 digits): 7337 d. Summons or notice of entry of sister-state judgment was personally served or mailed to (name and address): EMILY A BAYLEY-LEQUIRE; 1466 CALLE MORERA THOUSAND OAKS CA 91360	
2. <input type="checkbox"/> Information on additional judgment debtors is shown on page 2.	
3. Judgment creditor (name and address): THE BEST SERVICE CO. INC. 10780 SANTA MONICA BLVD., SUITE 140 LOS ANGELES CA 90025	
4. <input type="checkbox"/> Information on additional judgment creditors is shown on page 2.	
5. <input type="checkbox"/> Original abstract recorded in this county: a. Date: b. Instrument No.: <i>[Signature]</i>	
6. Total amount of judgment has entered or last renewed: \$ 12,806.34	
7. All judgment creditors and debtors are listed on this abstract.	
8. a. Judgment entered on (date): 08-22-11 b. Renewal entered on (date):	
9. This judgment is an installment judgment.	
10. <input type="checkbox"/> An <input type="checkbox"/> execution lien <input type="checkbox"/> attachment lien is endorsed on the judgment as follows: a. Amount: \$ b. In favor of (name and address):	
11. A stay of enforcement has a. <input checked="" type="checkbox"/> not been ordered by the court. b. <input type="checkbox"/> been ordered by the court effective until (date):	
12. a. <input checked="" type="checkbox"/> I certify that this is a true and correct abstract of the judgment entered in this action. b. <input type="checkbox"/> A certified copy of the judgment is attached. Clerk, by MICHAEL D. PLANET , Deputy MALIA A. AGUSTA <i>[Signature]</i>	
(SEAL)  This abstract issued on (date): JAN 10 2012	
ABSTRACT OF JUDGMENT—CIVIL AND SMALL CLAIMS Legal Solutions Plus	

PLAINTIFF: THE BEST SERVICE CO. INC.	CASE NUMBER:
DEFENDANT: EMILY A BAYLEY-LEQUIRE;	56-2011-00397702-CL-CL

NAMES AND ADDRESSES OF ADDITIONAL JUDGMENT CREDITORS:

13. Judgment creditor (name and address):

14. Judgment creditor (name and address):

15. Continued on Attachment 15.

INFORMATION ON ADDITIONAL JUDGMENT DEBTORS:

16. Name and last known address

17. Name and last known address

Driver's license no. (last 4 digits)
and state:

Unknown

Social security no. (last 4 digits):

Unknown

Summons was personally served at or mailed to (address):

Driver's license no. (last 4 digits)
and state:

Unknown

Social security no. (last 4 digits):

Unknown

Summons was personally served at or mailed to (address):

18. Name and last known address

19. Name and last known address

Driver's license no. (last 4 digits)
and state:

Unknown

Social security no. (last 4 digits):

Unknown

Summons was personally served at or mailed to (address):

Driver's license no. (last 4 digits)
and state:

Unknown

Social security no. (last 4 digits):

Unknown

Summons was personally served at or mailed to (address):

20. Continued on Attachment 20.

407-5-212-13
RECEIVED
VERITURA
MAY 2 2014

EXHIBIT “B”

Attorney or Party without Attorney: LAW OFFICES OF CLARK GAREN	For Recorder's use only
6700 S CENTINELA AVE 3RD FL. CULVER CITY, CA 90230 TEL: (310) 391-0800 310.636.4771	
SUPERIOR COURT 800 S. VICTORIA AVENUE VENTURA, CA 93003	Levy Officer: Sheriff's Department Los Angeles County 1427 WEST COVINA PKWY., RM 127 WEST COVINA, CA 91790 TEL: (626) 813-3254 626.338.6347
Plaintiff: THE BEST SERVICE CO Defendant: BAYLEY-LEQUIRE, EMILY A	
Notice of levy - under writ of: COURT CASE 56 2011-00197702 CL-CL-VTA (X) Execution (Money Judgment) () Sale	Levy Ofct File No. 3301401220024

TO THE PERSON NOTIFIED:

BANK OF AMERICA
BAYLEY-LEQUIRE, EMILY A
1466 CALLE MORERA
THOUSAND OAKS, CA 91360

GARNIShee
JUDGMENT DEBTOR

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:

A. Judgment Debtor:

BAYLEY-LEQUIRE, EMILY A, an Individual

B. The property to be levied upon is described:

() In the accompanying Writ of Possession or Writ of Sale
(X) As follows:

LEVY ON ANY AND ALL ACCTS. STANDING IN THE NAME OF JUDGMENT
DEBTOR SSN 547-27-7337, INCLUDING BUT NOT LIMITED TO
ACCT# 002474440431

2. THE AMOUNT NECESSARY TO SATISFY THE JUDGMENT CREDITOR'S JUDGMENT IS
\$ 15179.38 PLUS \$ 3.53 INTEREST PER DAY FROM 01/23/14 TO DATE OF
SERVICE.

(READ INFORMATION FOR JUDGMENT DEBTOR OR INFORMATION FOR PERSON OTHER THAN
JUDGMENT DEBTOR ON ATTACHED SHEET.)

=====
Notice of Levy was () Mailed on: 4/27/14 () Delivered on: / /
() Posted on: / / () Filed on: / /
() Recorded on: / /

By: L.D. C.

LERoy D. BACA, SHERIFF

D. VARGAS, Deputy

NOTICE OF LEVY (ENFORCEMENT OF JUDGMENT)

76N512 PRD 11-85

Form approved by the
Judicial Council of California
EJ-150 (Rev. January 1, 1985)
MAILP50

CCP 699.540

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

NOTICE OF BANKRUPTCY PROCEDURES

CREDITOR'S ATTORNEY OR CREDITOR WITHOUT ATTORNEY
LAW OFFICES OF CLARK GAREN

6700 S CENTINELA AVE 3RD FL
CULVER CITY, CA 90230

BANKRUPTCY TRUSTEE, DEBTOR-IN-POSSESSION
ELIZABETH (SV) F. ROJAS (TR)
NOBLE PROFESSIONAL CENTER
15060 VENTURA BLVD STE. 240
SHERMAN OAKS, CA 91403

DEBTOR'S ATTORNEY OR DEBTOR WITHOUT AN ATTORNEY
BAYLEY-LEQUIRE, EMILY A
C/O KEVIN T.SIMON ATTY
15233 VENTURA BLVD STE. 250
SHERMAN OAKS, CA 91403

STATE COURT	BANKRUPTCY COURT
SUPERIOR COURT	Name: US BANKRUPTCY CENTRAL DISTRICT
800 S. VICTORIA AVENUE	Bankruptcy Case No.: 1:14BK10868VK
Plaintiff: THE BEST SERVICE CO	Bankruptcy Chapter : C13
Defendant: BAYLEY-LEQUIRE, EMILY A	Date Petition Filed In Court: 02/20/14
Case: 56-2011-00397702-CL-CL-VTA	341 Meeting Date: 04/16/14

Pursuant to a writ of execution, the Sheriff levied on the property of the judgment debtor as follows:
We are currently holding \$4000.00.

The judgment debtor subsequently filed the above petition in bankruptcy. Future levies are stayed by the automatic stay as provided by 11 USC 362(a). As a custodian in possession of property of the debtor's bankruptcy estate, notice is hereby given to the above parties that, unless otherwise ordered by bankruptcy court:

1. Upon the request of the trustee, the Sheriff will turn over the above property to the above trustee no earlier than five days after the first meeting of creditors (341 meeting).
2. If the trustee declines to accept the turnover of the property or if there is no trustee appointed, the Sheriff will transfer the property to the judgment creditor after the automatic stay is terminated.

Judgment Creditor: If you oppose the Sheriff turning over the property to the trustee, you must obtain a bankruptcy court order directing otherwise.

Judgment Debtor: If you seek the return of the property, you must obtain a bankruptcy court order directing the Sheriff to return the property to you. Unless the Sheriff's Department receives an Order Avoiding Lien or court order directing otherwise, the Sheriff will transfer or sell the property to the judgment creditor after the automatic stay is terminated.

Bankruptcy Trustee: Upon your request, the property will be turned over to you, unless the bankruptcy court orders otherwise. The Sheriff will pay any storage costs up to and including the date the property is turned over to you. Thereafter, you are responsible for storage and handling costs. If, after receiving the property, you subsequently abandon the property to the debtor, please deliver the property to debtor rather than the Sheriff.

Mailing Date: 02/20/14
Sheriff's Office:
1427 WEST COVINA PKWY., RM 127
WEST COVINA, CA 91790

JOHN L. SCOTT, SHERIFF
By: 
ROSARIO F VILLELA, DEPUTY
Levying Officer

EXHIBIT “C”

Transmission Report

Date/Time 02-20-2014 11:14:34 a.m.
Local ID 1 818 285 0104

Transmit Header Text
Local Name 1 Simon Resnik Hayes LLP

This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"

SIMON RESNIK HAYES LLP

FACSIMILE TRANSMITTAL SHEET

TO: BK DEPARTMENT	FROM: Pita Diaz
COMPANY: Law Offices of Clark Goren	DATE: FEBRUARY 10, 2014
FAX NUMBER: 310.636.4771	TOTAL NO. OF PAGES INCLUDING COVER: 3
PHONE NUMBER: 310.391.0800	SENDER'S REFERENCE NUMBER:
RE: Emily Ann Bayley 1466 Calle Morena Thousand Oaks, CA 91360 Case#6-2011 00397702-CL-CL-VTA	YOUR REFERENCE NUMBER: 1:14-bk-10868-VK

URGENT FOR REVIEW PLEASE COMMENT PUBLISH REPLY PLEASE RECYCLE

NOTES/COMMENTS:

A Chapter 13 bankruptcy has been filed for the above referenced Debtor.
Attached is a copy of the front page of the voluntary petition.

Please ensure the appropriate steps are followed so that the Automatic stay will not be violated.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,

Pita Diaz
Assistant to Attorney Kevin T. Simon
Simon Resnik Hayes LLP

Amy Baured

SIMON RESNIK HAYES LLP
15233 VENTURA BLVD STE 250
SHERMAN OAKS, CALIFORNIA 91403
T: 818-783-6251
F: 818-783-6253
KELVIN@SRHLAW.PIRBL.COM

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	880	13106364771	11:11:26 a.m. 02-20-2014	00:02:38	3/3	1	EC	HS	CP9600

Abbreviations:

HS: Host send	PL: Polled local	MP: Mailbox print	CP: Completed	TS: Terminated by system
HR: Host receive	PR: Polled remote	RP: Report	FA: Fail	GS: Group 3
A/C: Waiting cond	MC: Mailbox error	EF: Fax Forward	TT: Terminated by user	EC: Error correct

Transmission Report

Date/Time 02-20-2014 11:19:40 a.m. Transmit Header Text
Local ID 1 818 285 0104 Local Name 1 Simon Resnik Hayes LLP

**This document : Confirmed
(reduced sample and details below)
Document size : 8.5"x11"**

SIMON RESNIK HAYES LLP

PACSIMILE TRANSMITTAL SHEET

TO:	FROM:	
BK DEPARTMENT	Pita Diaz	
COMPANY	DATE	
Sheriff Dept. LA County	FEBRUARY 10, 2014	
FAX NO. NAME	TOTAL NO. OF PAGES INCLUDING COVER	
626.338.6347	3	
PHONE NUMBER	ATTORNEY'S REFERENCE NUMBER	
626.813.3255		
RE:	YOUR REFERENCE NUMBER	
Emily Ann Bayley 1466 Calle Morena Thousand Oaks, CA 91360 Case:56-2011-BK397702-CL-CL-VTA	114-bk-10868-VK	

URGENT FOR REVIEW PLEAK COMMENT P RASH REPLY PLEASE RECYCLE

NOTES/DOCUMENTS:

A Chapter 13 bankruptcy has been filed for the above referenced Debtor.
Attached is a copy of the front page of the voluntary petition.

Please ensure the appropriate steps are followed so that the Automatic stay will not be violated.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,

Pita Diaz
Assistant to Attorney Kevin T. Simon
Simon Resnik Hayes LLP

SIMON RESNIK HAYES LLP
15233 VENTURA BLVD STE 250
SHERMAN OAKS, CALIFORNIA 91403
T: 818-783-6251
F: 818-783-6253
KEVIN@SKHLLAWFIRM.COM

Total Pages Scanned : 3

Total Pages Confirmed : 3

No.	Job	Remote Station	Start Time	Duration	Pages	Line	Mode	Job Type	Results
001	879	6263386347	11:11:03 a.m. 02-20-2014	00:01:22	3/3	1	EC	HS	CP14400

Abbreviations:

HS: Host send

PL: Polled local

MP: Mailbox print

CP: Completed

TS: Terminated by system

HR: Host receive

PR: Polled remote

RP: Report

FA: Fall

G3: Group 3

WS: Walting send

MS: Mailbox save

FF: Fax Forward

TU: Terminated by user

EC: Error Correct

Attorney or Party without Attorney: LAW OFFICES OF CLARK GAREN		For Recorder's use only
6700 S CENTINELA AVE 3RD FL. CULVER CITY, CA 90230 TEL: (310) 391-0800 310.4636.4771		
SUPERIOR COURT 56100		Levying Officer: Sheriff's Department Los Angeles County 1427 WEST COVINA PKWY., RM 127 WEST COVINA, CA 91790
800 S. VICTORIA AVENUE VENTURA, CA 93003		TEL: (626) 811-3255 626.338.6347
Plaintiff: THE BEST SERVICE CO Defendant: BAYLEY-LEQUIRE, EMILY A		
Notice of levy - under writ of: COURT CASE 56 2011 00140122002 CL-CL-VTA (X) Execution (Money Judgment) () Sale		Levy.Offc. File No. 001401220024

TO THE PERSON NOTIFIED:

BANK OF AMERICA GARNISHEE
BAYLEY-LEQUIRE, EMILY A JUDGMENT DEBTOR
1466 CALLE MORERA
THOUSAND OAKS, CA 91360

1. The judgment creditor seeks to levy upon property in which the judgment debtor has an interest and apply it to the satisfaction of a judgment as follows:

A. Judgment Debtor:

BAYLEY-LEQUIRE, EMILY A, an Individual

B. The property to be levied upon is described:

() In the accompanying Writ of Possession or Writ of Sale
(X) As follows:

LEVY ON ANY AND ALL ACCTS. STANDING IN THE NAME OF JUDGMENT
DEBTOR SSN 547-27-7337, INCLUDING BUT NOT LIMITED TO
ACCT# 002474440431

2. THE AMOUNT NECESSARY TO SATISFY THE JUDGMENT CREDITOR'S JUDGMENT IS
\$ 15179.38 PLUS \$ 3.53 INTEREST PER DAY FROM 01/23/14 TO DATE OF
SERVICE.

(READ INFORMATION FOR JUDGMENT DEBTOR OR INFORMATION FOR PERSON OTHER THAN
JUDGMENT DEBTOR ON ATTACHED SHEET.)

=====
Notice of Levy was () Mailed on: 01/21/14 () Delivered on: 1/1/14
() Posted on: 1/1/14 () Filed on: 1/1/14
() Recorded on: 1/1/14

By: 

LEROY D. BACA, SHERIFF

D. VARGAS, Deputy

NOTICE OF LEVY (ENFORCEMENT OF JUDGMENT)

76N512 PRD 11-85

Form approved by the

Judicial Council of California

EJ-150 (Rev. January 1, 1985)

MAILP50

CCP 699.540

2/20/2014

CM/ECF - U S. Bankruptcy Court (v5.1 - LIVE)

United States Bankruptcy Court
Central District Of California

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 02/20/2014 at 10:53 AM and filed on 02/20/2014.



Emily Ann Bayley
1466 Calle Morera
Thousand Oaks, CA 91360
SSN / ITIN: xxx-xx-7337
aka Emily Ann Bayley-Lequire
aka Emily A Bayley-Lequire

The case was filed by the debtor's attorney: The bankruptcy trustee is:

Kevin T Simon Simon Resnik Hayes LLP 15233 Ventura Blvd Ste 250 Sherman Oaks, CA 91403 818-783-6251	Elizabeth (SV) F Rojas (TR) Noble Professional Center 15060 Ventura Blvd., Suite 240 Sherman Oaks, CA 91403 818-933-5700
--	---

The case was assigned case number 1:14-bk-10868-VK to Judge Victoria S. Kaufman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.cacb.uscourts.gov or at the Clerk's Office, 21041 Burbank Blvd., Woodland Hills, CA 91367-6603.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

Kathleen J. Campbell
Clerk, U.S. Bankruptcy
Court

EXHIBIT “D”

=====

FACSIMILE TRANSMITTAL SHEET

=====

TO:	FROM:
<i>Maria Escobar</i>	Maria Escobar
COMPANY:	DATE:
Sheriff's Department - West Covina	APRIL 15, 2014
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
626-338-6347	6
PHONE NUMBER:	SENDER'S REFERENCE NUMBER
626-813-3255	
RE:	YOUR REFERENCE NUMBER
The Best Service Co vs. Emily A. Bayley- Lequire Case#: 56-2011-00397702-CL-CL-VTA Levy Officer File #: 330140220024	1:14-bk-10868-VK

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

=====

NOTES/COMMENTS

Enclosed please find the Order Granting Motion to Avoid Lien for the above referenced. Please return all monies in your possession back to Defendant/Debtor Emily Ann Bayley Lequire.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,

Maria Escobar

Maria Escobar
Assistant to Kevin T. Simon, Esq.

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address Kevin T. Simon, Esq. - SBN 180967 SIMON RESNIK HAYES LLP Attorneys At Law 15233 Ventura Blvd., Suite 250 Sherman Oaks, CA 91403 Tel: (818) 783-6251 Fax: (818) 783-6253 E-mail: kevin@srlawfirm.com	FOR COURT USE ONLY <div style="border: 1px solid black; padding: 5px; text-align: center;">FILED & ENTERED APR 15 2014 CLERK U.S. BANKRUPTCY COURT Central District of California BY Ogler DEPUTY CLERK</div>
<input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Debtor(s)	
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – SAN FERNANDO VALLEY DIVISION	
<p>In re: EMILY ANN BAYLEY</p>	<p>CASE NO.: 13 CHAPTER: 1:14-bk-10868-VK</p> <p>ORDER <input checked="" type="checkbox"/> GRANTING <input type="checkbox"/> DENYING MOTION TO AVOID LIEN UNDER 11 U.S.C. § 522(f) (REAL PROPERTY)</p> <p><input checked="" type="checkbox"/> No hearing held <input type="checkbox"/> Hearing held Date: Time: Courtroom: Place:</p> <p>Debtor(s).</p>
<p>Creditor Holding Lien to be Avoided: <u>The Best Service Co., Inc., its Successors and/or Assigns</u></p>	

The Motion was: Opposed Unopposed Settled by stipulation

Pursuant to 11 U.S.C. § 522(f), Debtor moved to avoid a judicial lien on real property claimed to be exempt. The court finds and orders as follows:

1. Notice of this Motion complied with LBR 9013-1(d).
2. Notice of this Motion complied with LBR 9013-1(o).
 - a. There was no opposition and request for hearing.
 - b. Hearing requested and held as indicated in the caption.

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

3. The real property to which this order applies is as follows:

a. Street address: 1466 Calle Morera, Thousand Oaks, CA 91360

Legal description: Lot 51 in Tract No 1079, in the City of Thousand Oaks,
County of Ventura, State of California, as per map recorded
in book 27 page 79 of maps

See attached page

4. Recording information regarding lien to be avoided:

a. Date of recordation of lien: 4/5/2012

b. Recorder's instrument number or map/book/page number: 20120405-00063186-0 1/3

5. Motion granted:

a. The judicial lien sought to be avoided impairs an exemption to which Debtor would otherwise be entitled under 11 U.S.C. § 522(d)

b. The judicial lien is hereby declared void and unenforceable:

(1) In its entirety

(2) In the following amount only: \$ _____. The balance of \$ _____ remains a valid and

6. Motion denied on the following grounds: with prejudice without prejudice

a. Insufficient notice

b. Insufficient evidence of the exempt status of the property in question

c. Failure to comply with FRBP 7004(b)(3) or FRBP 7004(h).

d. Insufficient evidence of fair market value.

e. Motion is incomplete.

f. Other (specify):

//

7. The court further orders as follows (specify):
 See attached page

###

Date: April 15, 2014



Victoria S. Kaufman
United States Bankruptcy Judge

This form is mandatory. It has been approved for use in the United States Bankruptcy Court for the Central District of California.

EXHIBIT "A"

Legal Description

All that certain real property in the County of VENTURA, State of California, described as follows:
**LOT 51, TRACT NO. 107B, IN THE CITY OF THOUSAND OAKS, COUNTY OF VENTURA,
STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 27 PAGE 79 OF MAPS, IN THE
OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.**

TRANSMISSION VERIFICATION REPORT

TIME : 04/15/2014 14:38
NAME :
FAX :
TEL :
SER. # : BROE2J370117

DATE, TIME	04/15 14:37
FAX NO./NAME	15263386347
DURATION	00:00:44
PAGE(S)	06
RESULT	OK
MODE	STANDARD ECM

SIMON RESNIK HAYES LLP

FACSIMILE TRANSMITTAL SHEET

TO:	Levy Officer	FROM:	Maria Escobar
COMPANY:	Sheriff's Department - West Covina	DATE:	APRIL 15, 2014
FAX NUMBER:	626-338-6347	TOTAL NO. OF PAGES INCLUDING COVER:	6
PHONE NUMBER:	626-813-3255	SENDER'S REFERENCE NUMBER:	
RE:	The Best Service Co vs. Emily A. Bayley- Lequire Case#: 56-2011-00397702-CL-CI-VTA Levy Officer File #: 330140220024	YOUR REFERENCE NUMBER:	1:14-bk-10868-VK

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

Enclosed please find the Order Granting Motion to Avoid Lien for the above referenced. Please return all monies in your possession back to Defendant/Debtor Emily Ann Bayley Lequire.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,



EXHIBIT “E”

SIMON RESNIK HAYES LLP
ATTORNEYS AT LAW

Kevin T. Simon* APLC
Matthew D. Resnik APC
M. Jonathan Hayes** APC

Russell J. Stong, III
S. Renée Sawyer Blume
Donna R. Dishbak
Roksana D. Moradi

** Certified Bankruptcy Specialist

Admitted in

* California and Colorado
** California and New York
+ California and Wisconsin

15233 VENTURA BOULEVARD
SUITE 250
SHERMAN OAKS, CALIFORNIA 91403

Telephone: (818) 783-6251
Facsimile: (818) 783-6253
www.srhlawfirm.com

David M. Kritzer
Corinne B. Elfassi
Heather J. Canning **
Carolyn M. Afari
Stephanie A. Zoet

Of Counsel
Karen A Dion +
Christopher J. Langley

April 22, 2014

VIA FACSIMILE (310) 636-4771 AND U.S. MAIL

Clark Garen
The Law Offices of Clark Garen
6700 S. Centinela Ave., 3rd Floor
Culver City, CA 90230

**Re: Bayley, Emily Ann. – Violation of Stay – Notice to Release Levy
Chapter 13 Case No.: 1:14-bk-10868-VK**

Dear Mr. Garen:

This letter is to advise you that you are in willful violation of the Automatic Stay provided by Ms. Bayley's bankruptcy case filed on February 20, 2014. (see attached) Per the phone conversation today with your staff our office, you indicated that you would not instruct the Sheriff to release the bank levy and that you have been aware of Ms. Bayley's bankruptcy you were notified by our office on February 10, 2014.

The levy is in violation of § 362(a)(6) of the Bankruptcy Code. This section states that "any act to collect, assess, or recover a claim against the debtor that arose before the commencement of the case" will be a violation of the automatic stay.

Section 362(k)(1) delineates the penalties that will arise: "an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys' fees, and, in appropriate circumstances, may recover punitive damages."

If a letter is not sent to the Sheriff's Department to release the levy within the next 48 hours, we will file a § 362(k) violation of the automatic stay motion with the court to recover attorney's fees and sanctions.

Upon the submission of a Release of Levy to the Sheriff's Department, please send me a copy of the updated release via fax to (818) 783-6253 and please contact our office to let us know that the release was sent.

Sincerely,



Donna Dishbak, Esq.

LOS ANGELES OFFICE

Enclosed with this letter is a copy of our firm's brochure.

2/20/2014

CM/ECF - U.S. Bankruptcy Court (v5.1 - LIVE)

United States Bankruptcy Court
Central District Of California

Notice of Bankruptcy Case Filing

A bankruptcy case concerning the debtor(s) listed below was filed under Chapter 13 of the United States Bankruptcy Code, entered on 02/20/2014 at 10:53 AM and filed on 02/20/2014.



Emily Ann Bayley
1466 Calle Morera
Thousand Oaks, CA 91360
SSN / ITIN: xxx-xx-7337
aka Emily Ann Bayley-Lequire
aka Emily A Bayley-Lequire

The case was filed by the debtor's attorney: The bankruptcy trustee is:

Kevin T Simon
Simon Resnik Hayes LLP
15233 Ventura Blvd Ste 250
Sherman Oaks, CA 91403
818-783-6251

Elizabeth (SV) F Rojas (TR)
Noble Professional Center
15060 Ventura Blvd., Suite 240
Sherman Oaks, CA 91403
818-933-5700

The case was assigned case number 1:14-bk-10868-VK to Judge Victoria S. Kaufman.

In most instances, the filing of the bankruptcy case automatically stays certain collection and other actions against the debtor and the debtor's property. Under certain circumstances, the stay may be limited to 30 days or not exist at all, although the debtor can request the court to extend or impose a stay. If you attempt to collect a debt or take other action in violation of the Bankruptcy Code, you may be penalized. Consult a lawyer to determine your rights in this case.

If you would like to view the bankruptcy petition and other documents filed by the debtor, they are available at our *Internet* home page www.cacb.uscourts.gov or at the Clerk's Office, 21041 Burbank Blvd., Woodland Hills, CA 91367-6603.

You may be a creditor of the debtor. If so, you will receive an additional notice from the court setting forth important deadlines.

**Kathleen J. Campbell
Clerk, U.S. Bankruptcy
Court**

SIMON RESNIK HAYES LLP

FACSIMILE TRANSMITTAL SHEET

TO	FROM		
Clark Garen	Maria Escobar		
COMPANY	DATE		
Law Offices of Clark Garen	APRIL 22, 2014		
FAX NUMBER	TOTAL NO. OF PAGES INCLUDING COVER		
310-636-4771	3		
PHONE NUMBER	SENDER'S REFERENCE NUMBER		
310-391-0800			
RE:	YOUR REFERENCE NUMBER		
The Best Service Co vs. Emily A. Bayley- Lequire Case#: 56-2011-00397702-CL-CL-VTA Levy Officer File #: 330140220024	1:14-bk-10868-VK		

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS

The enclosed is self explanatory.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,



Maria Escobar
Assistant to Kevin T. Simon, Esq.

TRANSMISSION VERIFICATION REPORT

TIME : 04/22/2014 14:07
NAME :
FAX :
TEL :
SER. # : BROE2J370117

DATE, TIME	04/22 14:06
FAX NO./NAME	13106364771
DURATION	00:00:38
PAGE(S)	03
RESULT	OK
MODE	STANDARD ECM

SIMON RESNIK HAYES LLP

FACSIMILE TRANSMITTAL SHEET

TO:	Clark Garen	FROM:	Maria Escobar
COMPANY:	Law Offices of Clark Garen	DATE:	APRIL 22, 2014
FAX NUMBER:	310-636-4771	TOTAL NO. OF PAGES INCLUDING COVER:	3
PHONE NUMBER:	310-391-0800	SENDER'S REFERENCE NUMBER:	
RE:	The Best Service Co vs. Emily A. Bayley- Lequire Case#: 56-2011-00397702-CL-CL-VTA Levy Officer File #: 330140220024	YOUR REFERENCE NUMBER:	1:14-bk-10868-VK

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

NOTES/COMMENTS:

The enclosed is self explanatory.

Feel free to contact this office if there are any remaining questions or concerns.

Sincerely,



EXHIBIT "F"

**Law Offices of
CLARK GAREN**
Salaried Employees of
The Best Service Co. Inc.

Clark Garen

Greg Lawrence

April 22, 2014

SIMON RESNIK HAYES LLP
Att: Donna Dishbak
15233 Ventura Blvd., Suite 250
Sherman Oaks, CA 91403

Re: Best Service Co. v Emily Ann Bayley

(Via facsimile 818 783 6253)

Dear Ms. Dishbak:

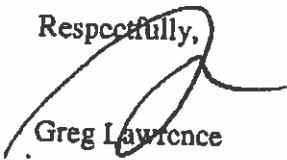
Please be advised that I am counsel for The Best Service Co. Inc.

On January 27, 2014, Judgment Debtor Emily Ann Bayley's bank was served with a levy filed by Judgment Creditor, The Best Service Co. Inc.. Thereafter on February 20, 2014, judgment debtor filed Chapter 13 Bankruptcy. Thereafter, Judgment Creditor notified the Los Angeles County Sheriff of the Automatic Stay.

Pursuant to the Notice of Automatic Stay all creditor actions are heretofore stayed unless relief is granted pursuant to an order issued by the United States Bankruptcy Court or Section 362 therein and the Sheriff is required to hold any funds recovered from the levy of the Judgment Debtors' bank accounts pending disposition of the bankruptcy or further instructions from the bankruptcy trustee or Los Angeles County Sheriff.

The funds being held by the Sheriff are now the property of the Bankruptcy Trustee. Judgment Creditor has no authority, under Section 362(a)(6), to instruct the Sheriff to release the funds, as you demanded and is not in violation of the Automatic Stay Order.

Respectfully,


Greg Lawrence

Greg Lawrence, Attorney at Law
Assistant General Counsel
Professional Collection Consultants
& The Best Service Co. Inc.
6700 S. Centinela Ave. 3rd Floor
Culver City, CA 90230
310 391 0800 ext. 105 (Office)
310 636-4771 (Facsimile)
Email: glawrence53@aol.com

Fax

TO: DONNA DISHBAK

From: GREG LAWRENCE

Fax: 818 783 6253

Pages: 2

Phone:

Date: April 22, 2014

Re: BEST SERVICE V EMILY ANN
BAYLEY

CC:

Urgent Please Comment Please Reply Please Review

PERSONAL AND CONFIDENTIAL

The information contained in this facsimile and attached document(s) is/are confidential and also legally privileged as to the sender and the recipient of the matter. This information is solely intended for the use of the individual or entity to whom it is addressed. If you are not the addressee, or the employee or agent responsible to deliver this facsimile to its intended recipient, you are hereby notified that any review, use, dissemination, distribution, disclosure, copying or taking of any action in reliance on the contents of this information is strictly prohibited and violation thereof is subject to legal liabilities pursuant to applicable laws. If you have received this communication in error, please notify us by telephone to arrange for the return of the documents to this office.

In re: EMILY ANN BAYLEY	CHAPTER: 13
Debtor(s)	CASE NUMBER: 1:14-bk-10868-VK

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
15233 Ventura Boulevard, Suite 250, Sherman Oaks, CA 91403

A true and correct copy of the foregoing document entitled **MOTION FOR INTENTIONAL VIOLATION OF THE AUTOMATIC STAY AGAINST THE BEST SERVICE CO., INC., ITS SUCCESSORS AND/OR ASSIGNS; REQUEST LEVY BE RELEASED AND ATTORNEY FEES IN THE AMOUNT OF \$2,500.00 BE AWARDED TO THE DEBTOR; DECLARATIONS IN SUPPORT THEREOF** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 28, 2014 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Elizabeth (SV) F Rojas (TR)
 United States Trustee (SV) cacb_ecf_sv@ch13wla.com
ustpregion16.wh.ecf@usdoj.gov

Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On April 28, 2014, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on April 28, 2014, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

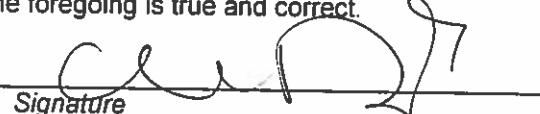
Judge's Copy:
 Honorable Victoria S. Kaufman
 21041 Burbank Boulevard
 Courtroom 301
 Woodland Hills, CA 91367

Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

April 28, 2014
 Date

Maria Diaz
 Printed Name


 Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

In re: EMILY ANN BAYLEY	Debtor(s)	CHAPTER 13 CASE NUMBER: 1:14-bk-10868-VK
--------------------------------	-----------	---

CONTINUED SERVICE LIST

Debtor

Emily Ann Bayley
1466 Calle Morera
Thousand Oaks, CA 91360

The Best Service Co., Inc. (Entity Address)(Certified Mail)

Attn: Roger Milstein, President
12601 Venice Blvd.
Los Angeles, CA 90066

Agent for Service of Process for The Best Service Co., Inc. (Certified Mail)

Mir Samd Hatami
1342 10th Street, #204
Santa Monica, CA 90401

The Best Service Co., Inc. (Recorded Abstract)(Certified Mail)

Attn: Greg Lawrence, Esq.
Lawrence & Lawrence, A Law Corp.
10780 Santa Monica Blvd., Suite 140
Los Angeles, CA 90025

The Best Service Co., Inc. (Claim)(Certified Mail)

Attn: Gary Condon
6700 S. Centinela Ave., Third Floor
Culver City, CA 90230

Counsel for The Best Service Co., Inc. (Certified Mail)

The Law Offices of Clark Garen
Attn: Clark Garen, Esq.
6700 S. Centinela Ave., Third Floor
Culver City, CA 90230